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PATENT APPLICATION

ATTORNEY DOCKET NO. 10015158-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Steven W. TROVINGER

Confirmation No.: 4978

Application No.: 10/084,459

Examiner: Sameh Tawfik

Filing Date: Feb. 28, 2002

Group Art Unit: 3721

Title: SYSTEM FOR HANDLING FOLDED SHEET MATERIAL

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Nov. 18, 2004.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(X) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

(X)	one month	$120.00
( )	two months	$450.00
( )	three months	$1020.00
( )	four months	$1590.00

~~02/22/2005 SZEWDIE1 00000129 10084459~~
~~01 FC:1402 500.00 DA~~
02/22/2005 SZEWDIE1 00000129 10084459
01 FC:1251 120.00 DA

( ) The extension fee has already been filled in this application.

( ) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of **$620.00**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Date: 18 Feb 2005

Respectfully submitted,

Steven W. TROVINGER

By _____

Patrick C. Keane Reg No. 50,891

Attorney/Agent for Applicant(s)

Reg. No. **32,858**

Date: **Feb. 18, 2005**

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I hereby certify that this document is being filed by personal delivery to the Customer Service Window Randolph Building, 401 Dulany Street Alexandria, VA 22314, of the United States Patent & Trademark Office on the date indicated above.

By: _____
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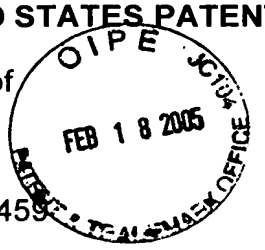
Rev 12/04 (Aplbrief)

Attorney's Docket No. 10015158-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of	
Steven W. Trovinger	Group Art Unit: 3721
Application No.: 10/084,459	Examiner: Sameh Tawfik
Filed: February 28, 2002	Confirmation No.: 4978
For: SYSTEM FOR HANDLING FOLDED SHEET MATERIAL	Appeal No.: Unassigned

APPEAL BRIEF

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated November 18, 2004 (Paper No. 18), finally rejecting claims 1-6 and 14, which are reproduced as the Claims Appendix of this brief.

Table of Contents

I. Real Party in Interest

Hewlett-Packard Company is the real party in interest, and is the assignee of Application No. 10/084,459.

II. Related Appeals and Interferences

The Appellant's legal representative, or assignee, does not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of Claims

Pending claims 1-6 and 14 are appealed in this application. Claims 1 and 14 are independent claims. Claims 2-5 depend from claim 1.

Claims 1-4 and 14 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 5,615,871 to *Kleinhen*; claim 5 is rejected as obvious under 35 U.S.C. §103(a) over the disclosure in *Kleinhen*; and claim 6 is rejected as obvious under 35 U.S.C. §103(a) over the disclosure in *Kleinhen* in view of the disclosure in EP 399 317 to *Ferag*.

IV. Status of Amendments

All amendments in this application have been entered

V. Summary Claimed Subject Matter

Exemplary embodiments of the present invention are directed to a system for handling folded sheet material. Several embodiments are disclosed in the specification.

In the exemplary Figure 1A embodiment (reproduced below), a rotatable clamping device 104 is illustrated which includes a linearly displaceable clamping component 106 and a fixed clamping component 108.

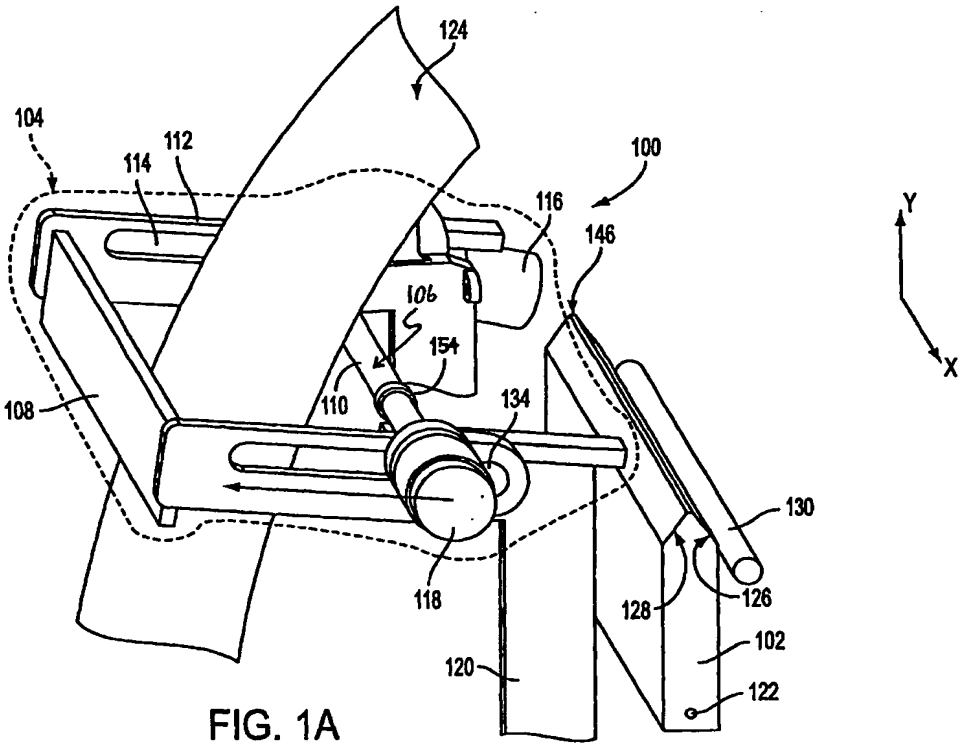


FIG. 1A

As described in paragraph [0011] on page 5 of the specification, the rotatable clamping device is configured to simultaneously encompass opposing sides of a collecting device. This paragraph describes that in at least one stage of a sheet delivery operation, clamping components of the rotatable clamping device are positioned such that they exert force against opposing sides of a collecting device (such as collecting device 102) at the same time. The fixed clamping element 108 is fixed with respect to the rotatable clamping device 104 of Figure 1A. Although the

rotatable clamping device 104 may be movable as a unit, the fixed clamping component, as described in the specification, remains fixed within the clamping device 104.

Paragraph [0012] on specification 5 describes that, with respect to the Figure 1G example (reproduced below), rotatable clamping device 104 is arranged such that its displaceable clamping device 106 and its fixed clamping component 108 are positioned on, and are able to press against, different and opposing sides of collecting device 102 at the same time. Paragraph [0012] describes that such a feature secures sheet material 124 against opposing sides 126 and 128 of collecting device 102.

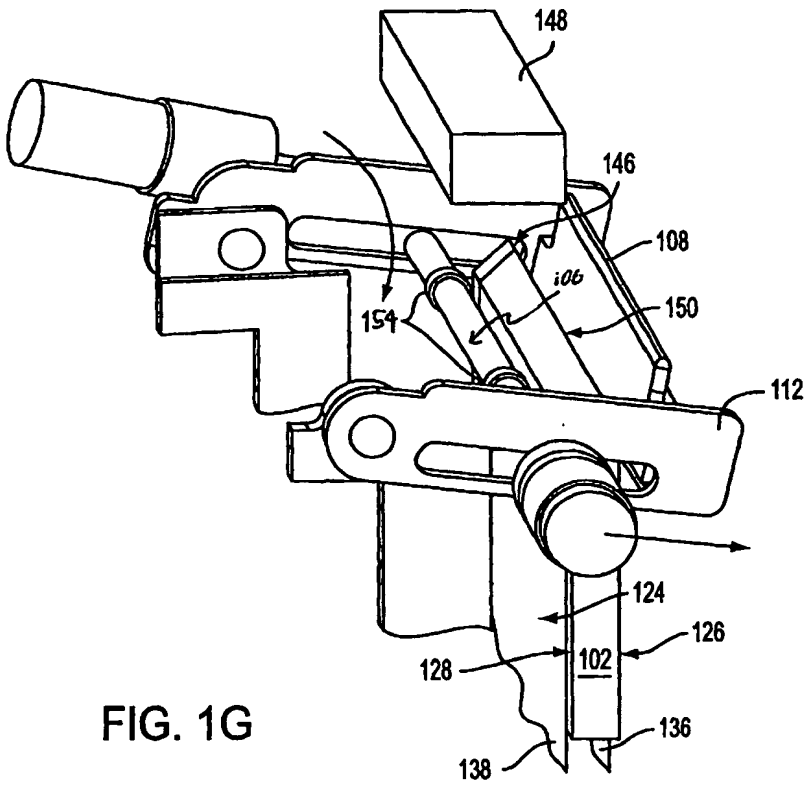


FIG. 1G

The clamping function is also shown in the side view of Figure 2, where sheet material 224 is secured on opposite sides of collecting device 202 simultaneously by displaceable clamping component 206 and fixed clamping component 208 of a rotatable clamping device. Figure 2 is reproduced below.

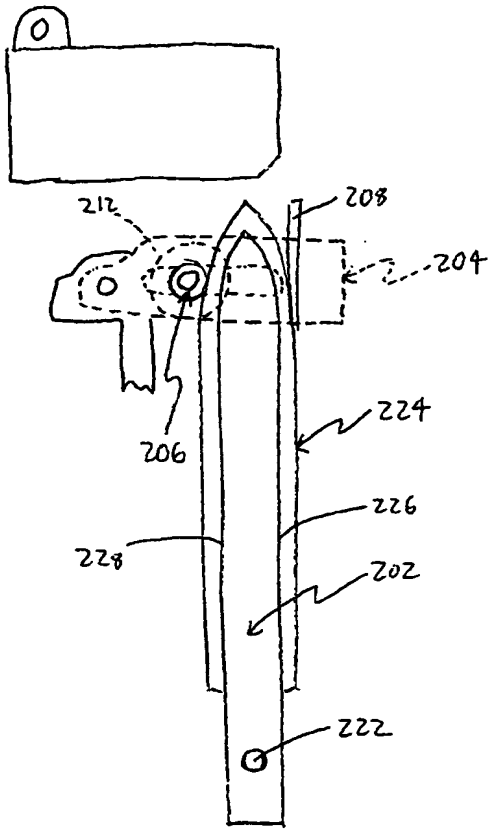


FIG. 2

The above features are broadly encompassed by independent claims 1 and 14.

For example, claim 1 is directed to a system for handling folded sheet material which includes, among other features, a rotatable clamping device having a linearly displaceable clamping component and a collecting device shaped substantially as a saddle. Claim 1 also recites that the rotatable clamping device is configured to simultaneously press against opposing sides of the collecting device.

Another example is Claim 14, which is directed to a system for handling a folded sheet material. Claim 14 recites, among other features, a rotatable clamping

device having a linearly displaceable clamping component. Claim 14 also recites displaceable and fixed clamping components which press different portions of folded sheet material against opposing sides of a collecting device simultaneously.

Dependent claims 5 and 6 define further subject matter related to the claimed system for handling folded sheet material. For example, claim 5 recites that the displaceable clamping component is rotatable about a second axis parallel to the supporting edge and claim 6 recites that the collecting device is pivotable to move a supporting edge of the collecting device relative to the rotatable clamping device.

VI. Grounds of Rejection to be Reviewed on Appeal

Whether the disclosure in *Kleinhen* anticipates claims 1-4 and 14;
Whether the disclosure in *Kleinhen* renders claim 5 obvious; and
Whether the disclosure in *Kleinhen* in view of *Ferag* renders claim 6 obvious.

VII. Argument

A. The *Kleinhen* disclosure

Kleinhen discloses a sheet material handling apparatus. Figure 5 (reproduced below) is representative.

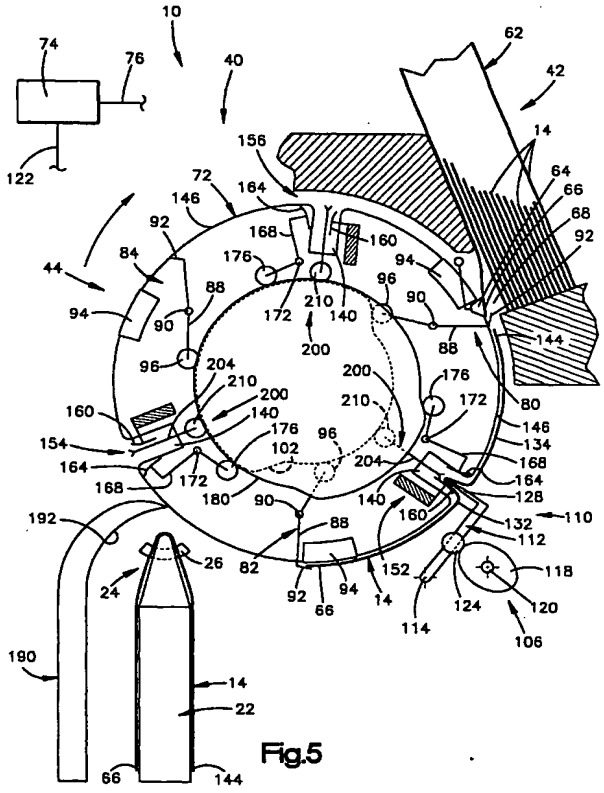


Fig.5

The disclosed apparatus includes a sheet material handling assembly 44 that rotates (see Fig. 5 with arrow indicating rotation direction and column 4, lines 5-7) to pull sheet material article 14 from hopper 42 and folds sheet material article 14 by folder assembly 106. After being folded and creased, the sheet material article 14 is directly transferred to the collator conveyor 22 (see column 7, lines 9-11).

Kleinhen discloses a conveyor 22 with pushers 26. The conveyor provides a position 24 for sheets of material to be received on the conveyor from rotating sheet material handling assembly 44. In FIG. 1 (reproduced below), the block arrow pointing to the right of the figure indicates the lateral movement of the conveyor 22 and the block arrow pointing to the top of the figure indicates the clockwise rotation

of rotating sheet material handling assembly 44 (see also FIG. 5 for clarification of the rotation of rotating sheet material handling assembly 44).

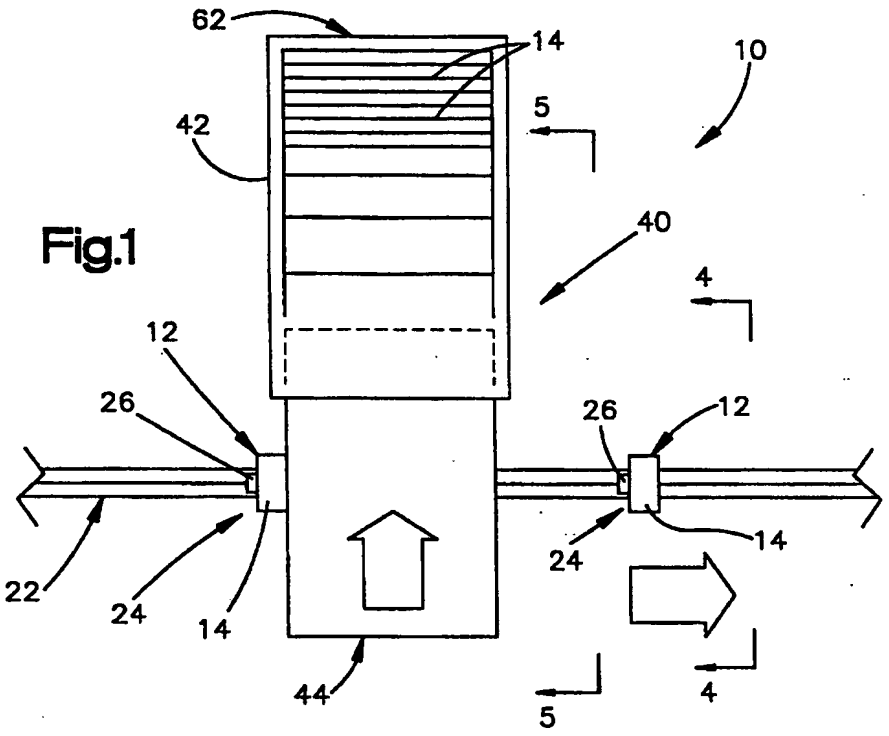


Fig.1

B. Claim 1

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Kleinhen* on the grounds set forth on page 2-3 of the Official Action dated July 6, 2004.

1. *Kleinhen* does not disclose a rotatable clamping device as recited in claim 1

The Examiner has identified pushers 26 on rotating conveyor 22 as corresponding to the claimed feature of "a rotatable clamping device including a linearly displaceable clamping component." However, there is no rotation of the Examiner-identified clamping device in *Kleinhen*.

Kleinhen discloses conveyor 22 with pushers 26. The conveyor 22 provides a position 24 for sheets of material to be received on the conveyor 22 from rotating

sheet material handling assembly 44. In FIG. 1, the block arrow pointing to the right of the figure indicates the lateral movement of the conveyor 22 and the block arrow pointing to the top of the figure indicates the clockwise rotation of rotating sheet material handling assembly 44 (see also FIG. 5 for clarification of the rotation of rotating sheet material handling assembly 44). The pushers 26 of *Kleinhen* are fixed to the conveyor 22 to push sheet material from station to station and do not rotate.

Further, the conveyor 22 is not rotating, but rather is displaced laterally as indicated by the block arrow in FIG. 1. The Examiner in the Advisory Action dated November 18, 2004 indicates that the conveyor is endless and thus inherently rotates. Applicant respectfully disagrees. The term endless does not appear anywhere in the *Kleinhen* reference and its attribution to the *Kleinhen* conveyor is improper speculation by the Examiner. In the absence of explicit disclosure, the conveyor could be anyone of a myriad of conveyor arrangements including a non-rotating lateral return (e.g., like a typewriter return) conveyor. It is respectfully maintained that the only rotation disclosed by *Kleinhen* is associated with rotating sheet material handling assembly 44. However, this assembly does not contact the conveyor 22, but rather delivers sheet material to the conveyor 22.

Based on the above differences, an anticipatory rejection is not warranted as the cited *Kleinhen* reference does not disclose all of the features of the claims.

2. *Kleinhen* does not disclose a linearly displaceable clamping component as recited in claim 1

As noted above, the Examiner has identified pushers 26 on rotating conveyor 22 as corresponding to the claimed feature of "a rotatable clamping device including a linearly displaceable clamping component." However, not only is there no linear displacement of a clamping component, there is no clamping component associated with the Examiner identified feature of *Kleinhen*.

The conveyor 22 in *Kleinhen* has pushers 26. These features have no clamping function in the *Kleinhen* device. They merely provide a register stop for the edge of material placed on the conveyor as the conveyor moves laterally from station to station. Pushing an edge of the material is not clamping.

Based on at least the above difference, an anticipatory rejection is not warranted as the cited *Kleinhen* reference does not disclose all of the features of the claims.

3. *Kleinhen* does not disclose a clamping device configured to simultaneously press against opposing sides of the collecting device as recited in claim 1

The Examiner indicates (see p. 2, Official Action dated July 6, 2004) that the pushers 26 press against opposing sides of the collecting conveyor 22. Applicant respectfully disagrees.

First, the claimed collecting device is the position at which folded sheet material is stacked by the claimed system. In *Kleinhen*, such a position is the receiving locations 24. *Kleinhen* discloses that the receiving locations 24 are disposed between movable pusher elements 26. Thus, even if, *arguendo*, the pushers pressed against the conveyor, the pushers would press against the conveyor 22 in an area not associated with the receiving location. In other words, the pushers would not press opposing sides of the collecting device.

Second, there is no basis for attributing a pressing feature to the pushers at all. Pushers 26 are part of conveyor 22. There is no disclosure in *Kleinhen* that the pushers press against the conveyor. The pushers could be associated with the conveyor in any of a myriad number of ways, including being integrally formed with the conveyor, in which case there is no pressing against opposing sides of the collecting device as claimed.

Based on at least the above difference, an anticipatory rejection is not warranted as the cited *Kleinhen* reference does not disclose all of the features of the claims.

C. Claims 2 and 3

Claims 2-3 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Kleinhen* on the grounds set forth on page 2-3 of the Official Action dated July 6, 2004.

1. *Kleinhen* does not disclose a clamping device with a fixed clamping component and a linearly displaceable component and does not disclose these features pressing against opposing sides of the collecting device as recited in claims 2 and 3

As noted above, the Examiner has identifies one pusher 26 on rotating conveyor 22 as corresponding to the claimed feature of a "rotatable clamping device including a linearly displaceable clamping component." In addition, the Examiner also identifies a second pusher 26 on rotating conveyor 22 as corresponding to the claimed feature of a "fixed clamping component" (See p.3, Official Action dated July 6, 2004). However, not only is there no linearly displaced and fixed clamping components associated with these features in *Kleinhen*, there is simply no clamping component at all associated with the Examiner identified feature of *Kleinhen*.

The conveyor 22 with pushers 26 in *Kleinhen* has no clamping function in the *Kleinhen* device. They merely provide a register stop for the edge of material placed on the conveyor as the conveyor moves laterally from station to station. Pushing an edge of the material is not clamping. Thus, there is no clamping device identified in the rejection.

In addition, the Examiner indicates that one of the pushers is fixed with respect to the conveyor and one of the pushers is linearly displaceable with respect to the collating station 40. This argument is improper. There is no one pusher and second pusher in *Kleinhen* – there is just one pusher 26. The Examiner has identified one feature in *Kleinhen* and read that feature on what are clearly two distinct elements in the claimed device – a clamping device with a linearly displaceable clamping component and a fixed clamping component. A more accurate reading of *Kleinhen* in keeping with the Examiner's attributions would correlate pusher 26 with the clamping device, after which it is clear that there is no fixed and linearly displaceable clamping components.

Further, both of the linearly displaceable and fixed clamping components are associated with a rotatable clamping device, which as argued above, is lacking in the *Kleinhen* disclosure.

Based on at least the above differences, an anticipatory rejection is not warranted as the cited *Kleinhen* reference does not disclose all of the features of the claims.

2. Claims 2 and 3 are not anticipated by *Kleinhen*

This rejection relies upon the pusher 26 of *Kleinhen* being correlated to the displaceable clamping component and should be withdrawn for at least the same reasons as outlined above with respect to claim 1.

D. Claim 4

Claim 4 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Kleinhen* on the grounds set forth on page 2-3 of the Official Action dated July 6, 2004.

1. *Kleinhen* does not disclose rotation of the clamping device about a first axis parallel to a supporting edge of the collecting device as recited in claim 4

Recall the Examiner identifies pusher 26 on conveyor 22 as corresponding to the claimed feature of a "rotatable clamping device including a linearly displaceable clamping component." Also, the Examiner in the Advisory Action dated November 18, 2004 indicates that the conveyor is endless and thus inherently rotates. Applicant respectfully disagrees.

As previously argued with respect to claim 1, the pusher 26 is not a clamping device and the conveyor in *Kleinhen* could be anyone of a myriad of conveyor arrangements including a non-rotating lateral return (e.g., like a typewriter return) conveyor. However, assuming, *arguendo*, that pusher 26 is a clamping device and that the conveyor 22 in *Kleinhen* does rotate and the pusher therefore rotates as it travels on the conveyor 22, then there is still no disclosure in *Kleinhen* for this claim element.

For example, the claim recites a specific parallel relationship between the rotation axis of the clamping device and the supporting edge of the collecting device. However, this relationship is not expressly shown in *Kleinhen* because there is no

stated rotation and rotation axis. The only basis for finding this less support in *Kleinhen* for any attribution that the conveyor

In another example, the conveyor 22 has supporting edges that are at oblique angles to the direction of lateral motion of the conveyor (See Fig. 4 below). Thus, rotation would be about a skewed point in space, e.g., a point to the upper or lower left or right of a surface of the conveyor 22, and would result in an unusual conveying path. Such explicit disclosure in *Kleinhen* in lacking and any basis for finding such an axis inherent in the disclosure of *Kleinhen* is also lacking in the rejection.

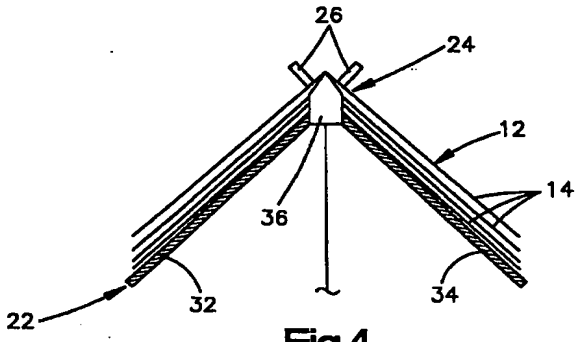


Fig.4

Based on at least the above differences, an anticipatory rejection is not warranted as the cited *Kleinhen* reference does not disclose all of the features of the claims, either explicitly or inherently.

2. Claim 4 is not anticipated by *Kleinhen*

This rejection relies upon the pusher 26 of *Kleinhen* being correlated to the displaceable clamping component and should be withdrawn for at least the same reasons as outlined above with respect to claim 1.

E. Claim 5

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Kleinhen* on the grounds set forth on page 3 of the Official Action dated July 6, 2004.

1. *Kleinhen* does not disclose a rotation of the displaceable clamping component

Here, the clamping component is linearly displaceable (claim 1) and is also rotatable about a second axis parallel to the supporting edge. These are two distinct movements. The rejection has, at best, established only one movement – namely, alleged rotation found inherent to the travel of the conveyor. Thus, the rejection does not in any way address the two distinct movements of the clamping component and the rejection should be withdrawn because the rejection does not include all of the features of the claim as required for an obviousness rejection. See MPEP §2143.

2. Claim 5 is not obvious over the disclosure in *Kleinhen*.

This rejection relies upon the pusher 26 of *Kleinhen* being correlated to the displaceable clamping component and should be withdrawn for at least the same reasons as outlined above with respect to claim 1.

F. Claim 6

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Kleinhen* in view of EP 399 317 to Ferag (hereafter "*Ferag*") on the grounds set forth on page 3 of the Official Action dated July 6, 2004.

1. Claim 6 is not obvious over the disclosure in *Kleinhen* in combination with *Ferag*

This rejection relies upon the pusher 26 of *Kleinhen* being correlated to the displaceable clamping component and should be withdrawn for at least the same reasons as outlined above with respect to claim 1.

The relied upon portions of the disclosure in *Ferag* do not overcome the differences noted above with respect to *Kleinhen*. In addition, the comments regarding *Ferag* and the combination of *Kleinhen* and *Ferag* submitted in the prior response are incorporated by reference herein. Further, Figs. 18-25 and element 10 of *Ferag* referenced by the Examiner are not pivotable relative to a rotatable clamping device. Rather, element 10 of *Ferag* includes a plurality of stations 14 that

are stationarily mounted to a rotating device (see Fig. 1) that rotates (not pivots) (direction U) about axis 12. The stations 14 are aligned below a stapler head for stapling of sheets 20. Thus, the rejection should be withdrawn for at least the same reasons as noted above.

2. Claim 6 is not obvious over the disclosure in *Kleinhen* in combination with *Ferag*

This rejection relies upon the pusher 26 of *Kleinhen* being correlated to the displaceable clamping component and should be withdrawn for at least the same reasons as outlined above with respect to claim 1.

G. Claim 14

Claim 14 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Kleinhen* on the grounds set forth on page 2-3 of the Official Action dated July 6, 2004.

1. *Kleinhen* does not disclose a rotatable clamping device as recited in claim 14

The Examiner has identified pushers 26 on rotating conveyor 22 as corresponding to the claimed feature of a "rotatable clamping device delivers folded sheet material to the collecting device". However, there is no rotation of the Examiner-identified clamping device in *Kleinhen*.

Kleinhen discloses conveyor 22 with pushers 26. The conveyor 22 provides a position 24 for sheets of material to be received on the conveyor 22 from rotating sheet material handling assembly 44. In FIG. 1, the block arrow pointing to the right of the figure indicates the lateral movement of the conveyor 22 and the block arrow pointing to the top of the figure indicates the clockwise rotation of rotating sheet material handling assembly 44 (see also FIG. 5 for clarification of the rotation of rotating sheet material handling assembly 44). The pushers 26 of *Kleinhen* are fixed to the conveyor 22 to push sheet material from station to station and do not rotate.

Further, the conveyor 22 is not rotating, but rather is displaced laterally as indicated by the block arrow in FIG. 1. The examiner in the Advisory Action dated November 18, 2004 indicates that the conveyor is endless and thus inherently rotates. Applicant respectfully disagrees. The term endless does not appear anywhere in the *Kleinhen* reference and its attribution to the *Kleinhen* conveyor is improper speculation by the Examiner. In the absence of explicit disclosure, the conveyor could be anyone of a myriad of conveyor arrangements including a non-rotating lateral return (e.g., like a typewriter return) conveyor. It is respectfully maintained that the only rotation disclosed by *Kleinhen* is associated with rotating sheet material handling assembly 44. However, this assembly does not contact the conveyor 22, but rather delivers sheet material to the conveyor 22.

Based on the above differences, an anticipatory rejection is not warranted as the cited *Kleinhen* reference does not disclose all of the features of the claim.

2. *Kleinhen* does not disclose a rotatable clamping device for delivering folded sheet material to the collecting device as recited in claim 14

As noted above, the Examiner has identified pushers 26 on rotating conveyor 22 as corresponding to the claimed feature of a "rotatable clamping device including a linearly displaceable clamping component." The Examiner has also identified the collecting device as receiving locator 24 and chain 36 referring to Fig. 4 of *Kleinhen* (see Advisory Action dated October 20, 2004). However, the Examiner identified features of *Kleinhen* do not show a rotatable clamping device for delivering folded sheet material to this identified collecting device.

There is simply no deliver by rotation of the identified clamping component of folded sheet material to the collecting device. Not only do the identified features of *Kleinhen* not rotate but they also do not have any delivery function. Rather, what the rotating sheet material handling assembly 44 delivers folded sheet material to the Examiner identified saddle. The materials delivered by assembly 44 to the conveyor 22 do not have a subsequent step of delivery to a saddle – they are already on the saddle by operation of the assembly 44.

Based on the above differences, an anticipatory rejection is not warranted as the cited *Kleinhen* reference does not disclose all of the features of the claim.

3. *Kleinhen* does not disclose a linearly displaceable clamping component and a fixed clamping component as recited in claim 14

The Examiner identifies one pusher 26 on rotating conveyor 22 as corresponding to the claimed feature of a "rotatable clamping device including a linearly displaceable clamping component." In addition, the Examiner also identifies a second pusher 26 on rotating conveyor 22 as corresponding to the claimed feature of a "fixed clamping component." (See p.3, Official Action dated July 6, 2004). However, not only is there no linearly displaced and fixed clamping components associated with these features in *Kleinhen*, there is simply no clamping component at all associated with the Examiner identified feature of *Kleinhen*.

The conveyor 22 with pushers 26 in *Kleinhen* has no clamping function in the *Kleinhen* device. They merely provide a register stop for the edge of material placed on the conveyor as the conveyor moves laterally from station to station. Pushing an edge of the material is not clamping. Thus, there is no clamping device identified in the rejection.

In addition, the Examiner indicates that one of the pushers is fixed with respect to the conveyor and one of the pushers is linearly displaceable with respect to the collating station 40. This argument is improper. There is no one pusher and second pusher in *Kleinhen* – there is just one pusher 26. The Examiner has identified one feature in *Kleinhen* and read that feature on what are clearly two distinct elements in the claimed device – a clamping device with a linearly displaceable clamping component and a fixed clamping component. Hypothetically, a more accurate reading of *Kleinhen* in keeping with the Examiner's attributions would correlate pusher 26 with the clamping device, after which it is clear that there is no fixed and linearly displaceable clamping components.

Further, both of the linearly displaceable and fixed clamping components are associated with a rotatable clamping device, which as argued above, is lacking in the *Kleinhen* disclosure.

Based on at least the above differences, an anticipatory rejection is not warranted as the cited *Kleinhen* reference does not disclose all of the features of the claim.

4. The pusher of *Kleinhen* does not include displaceable and fixed clamping components that press different portions of the folded sheet material against opposing sides of the collecting device simultaneously

Claim 14 recites a "rotatable clamping device including a linearly displaceable clamping component and a fixed clamping component, wherein the displaceable and fixed clamping components press different portions of the folded sheet material against opposing sides of the collecting device simultaneously." However, the pusher 26 on conveyor 22 (identified by the Examiner as corresponding to the rotatable clamping device) does not press different portions of the folded sheet material against opposing sides of the collecting device simultaneously as presently claimed.

Rather, pusher 26 on conveyor 22 merely contacts edges of the sheet material and transports the sheets laterally to a next station by movement of conveyor 22. No pressing of different portions of the folded sheet material against opposing sides of the collecting device simultaneously is associated with pusher 26 on conveyor 22.

Based on at least this difference, withdrawal of the anticipatory rejection of claim 14 is respectfully requested.

H. Inconsistencies in application of *Kleinhen* disclosure

The Examiner has identified the rotatable clamping device as "rotating conveyor 22" (see page 2 of the Official Action). Applicant respectfully disagrees. There is simply no disclosure in *Kleinhen* that the collator conveyor 22 is rotatable. Rather, it is sheet material handling assembly 44 that rotates in *Kleinhen* and not collator conveyor 22. Thus, the rejection has failed to identify any element of *Kleinhen* that corresponds to the rotatable clamping device as claimed.

However, even if, *arguendo*, one does consider the identified conveyor 22 as rotating, all of the elements of the present claims are still not disclosed in *Kleinhen*. For example, with conveyor 22 identified as the rotatable clamping device, which element of the *Kleinhen* device is the claimed collecting device shaped substantially as a saddle? The Official Action identifies the same element of *Kleinhen*, e.g., the conveyor apparatus 22, as the claimed collecting device. Clearly, the single conveyor apparatus cannot be applied against the two distinctly claimed elements of the rotatable clamping device and a collecting device shaped substantially as a saddle. For at least this further reason the rejection is improper and should be withdrawn.

In addition, if one accepts that the identified conveyor 22 rotates (which Applicant does not), then which elements of the rotatable collecting device are configured to simultaneously press against opposing sides of the collecting device (claim 1). The Official Action has identified pusher 26 as this feature, but correlating pusher 26 as this feature suffers from the same inconsistencies discussed above with respect to the rotatable clamping device and the collecting device.

Finally, even if one considers the sheet material handling assembly 44 disclosed in *Kleinhen* as the rotatable clamping device and consider the collator conveyor 22 as a saddle-type collator conveyor (column 3, lines 31-32), the disclosure in *Kleinhen* still does not contain each and every claimed element. In this case, the sheet material handling assembly 44, e.g., the rotatable clamping device, does not simultaneously press against opposing sides of the collecting device as recited in claim 1 nor does the sheet material handling assembly 44 of *Kleinhen* include a linearly displaceable clamping component and a fixed clamping component, wherein the displaceable and fixed clamping components press different portions of the folded sheet material against opposing sides of the collecting device simultaneously as recited in claim 14. In fact, no component of the sheet material handling assembly 44 contacts the conveyor apparatus 22, e.g., the claimed collecting device. Thus, even in this interpretation of *Kleinhen*, the *Kleinhen* reference does not include each and every element of the independent claims.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

Not used.

X. Related Proceedings Appendix

Not used.

Respectfully submitted,

Burns, Doane, Swecker & Mathis, L.L.P.

Date February 18, 2005

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VIII. CLAIMS APPENDIX

The Appealed Claims

1. (Previously Presented) A system for handling folded sheet material, comprising:

a rotatable clamping device including a linearly displaceable clamping component; and

a collecting device shaped substantially as a saddle, wherein the rotatable clamping device is configured to simultaneously press against opposing sides of the collecting device.

2. (Original) The system of claim 1, wherein the rotatable clamping device includes a fixed clamping component.

3. (Original) The system of claim 2, wherein the rotatable clamping device is configured such that the displaceable clamping component and the fixed clamping component press against opposing sides of the collecting device.

4. (Original) The system of claim 1, wherein the rotatable clamping device rotates about a first axis parallel to a supporting edge of the collecting device.

5. (Original) The system of claim 1, wherein the displaceable clamping component is rotatable about a second axis parallel to the supporting edge.

6. (Previously Presented) The system of claim 1, wherein the collecting device is pivotable to move a supporting edge of the collecting device relative to the rotatable clamping device.

Claims 7 to 13 (Canceled)

14. (Original) A system for handling a folded sheet material, comprising:

a saddle-shaped collecting device; and

a rotatable clamping device for delivering the folded sheet material to the collecting device, the rotatable clamping device including a linearly displaceable clamping component and a fixed clamping component, wherein the displaceable and fixed clamping components press different portions of the folded sheet material against opposing sides of the collecting device simultaneously.